

EXHIBIT 5



U.S. Department of Justice
Memorandum
Federal Bureau of Prisons

Correctional Programs Division

Central Office
320 First Street, N.W.
Washington, DC 20534

August 30, 2022

MEMORANDUM FOR REGIONAL CORRECTIONAL PROGRAMS ADMINISTRATORS

FROM:

(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
Administrator
Correctional Programs Branch

SUBJECT: Federal Time Credits Auto-Calculation
Application Launch

This memorandum is to provide guidance regarding the launch of the Federal Time Credits (FTCs) auto-calculation application. The new application will be launched on August 31, 2022. Full automation will take effect on September 6, 2022, at which time changes will be reflected to inmates' projected release dates and methods. All inmates will be reviewed, and FTCs will be applied to inmate records consistent with the final rules language and implementing text. As a reminder, the following items have been incorporated into the calculation of FTCs:

- The earning of FTCs is based on the inmate being in "earning status," not the participation and/or completion of individual programs. Inmates who refuse to participate in any portion of the needs assessment process and/or refuse/decline any program recommended to address a specific identified need area, will be considered "opted out" and in "non-earning" status.
- While inmates can begin earning time credits starting with the enactment of the statute, the "presumed participation" period only extends from December 21, 2018, through January 14, 2020.
- For inmates earning credit during the "presumed participation" period and through April 28, 2021, the PATTERN risk level established on this date (April 28th, the start date for the PATTERN auto-calculation), will be used to determine the initial risk level and FTC earning rate.
- For inmates earning credit under the "presumed participation" period, only days where the inmate was

incarcerated outside the facility, housed in the Special Housing Unit, or refusing/declining pre-existing FSA programming (e.g., FRP, Drug Education, GED, etc.) will be excluded from successful participation.

- Beginning January 15, 2020, inmates who are eligible to earn FTCs must have a PATTERN level calculated and must have completed all components of the SPARC-13 prior to beginning to earn FTCs.
- Inmates will have either an initial PATTERN level of minimum or low risk or have dropped to a minimum or low risk level and maintained the new level for two consecutive assessment periods prior to being eligible for the higher earning rate of 15 days or being able to apply the FTCs earned.
- Eligible inmates will have FTCs applied first toward their release dates and then toward RRC/HC placement.
- To earn credit toward early release, an inmate must be otherwise eligible to participate in RRC/HC placement. While they continue to earn credit, inmates can only apply the credit if they have no detainers, unresolved pending charges, and/or unresolved immigration status issues.
- Eligible inmates will continue to earn FTCs toward early release until they have accumulated 365 days or are 18 months from their release date, whichever happens first. At this point, their release date becomes fixed, and all additional credit is applied toward RRC/HC placement.
- Initially, FTCs will be updated monthly, and an FSA Time Credits Assessment worksheet will be deposited into the eICF directly. Within 30-60 days of the initial launch, Unit team will be able to conduct an additional time credit assessment during the inmate's regularly scheduled Program Review.
- Inmates with 3621e Complete and 3621e Conditional release methods will automatically convert FSA RDAP Release and FSA RDAP Conditional release methods. Locally, staff will need to review cases individual and complete updated BP-A0628 where appropriate.

Please remind institution staff DSCC does not have a role in the crediting of FTCs, and questions from the field should be directed to their Case Management Coordinators and then to the Regional Offices. If you have any questions, please contact Rick Stover, Correctional Programs Branch Administrator.

Cc: Case Management Coordinators

(b)(6), (b)(7)(C)

Senior Deputy Assistant Director, CPD, DSCC